

**REMARKS**

In response to the Official Action of August 25, 2004, a substitute sheet for Figure 1 is enclosed which contains descriptive labels for boxes 8, 9 and 10.

Furthermore, the specification has been corrected with regard to page 7, line 13 to show that it is in reference to Figure 2 not Figure 1.

In response to the rejection of claims 1-18, independent claims 1 and 16 have been amended in a manner which is believed to particularly point out and distinctly claim what applicant regards as its invention in a manner which distinguishes these claims and the dependent claims thereto over cited reference US patent 6,496,531, Kamel et al (hereinafter Kamel).

More specifically with regard to paragraph 3 of the Official Action, Kamel is cited as anticipatory of claims 1-8, 11, 12 and 18. The Examiner states that Kamel discloses a method for operating a radio telecommunications system as shown in Figure 1 thereof, that comprises a mobile station (30) and one or more cell site units (designated by base stations 10) capable of communicating by radio with the mobile station on at least two communication channels (Figure 1 and column 3, lines 6-12), wherein the method comprises the mobile station receiving signals on each of the communication channels (column 4, lines 41-49); and the mobile station determining an estimate of the level of interference (column 3, lines 21-26) with signals on each of the communication channels (column 15, lines 6-9). It is noted in Kamel that it is particularly directed to a method and system for controlling downlink transmit power during a soft hand-off in a spread-spectrum wireless system, such as a code-division multiple-access (CDMA) system (see Kamel, column 1, line 7-10). As noted in the present application as originally filed, the invention according to the present invention is particularly directed to networks such as bandwidth limited time division multiple access (TDMA) cellular networks.

In contradistinction, Kamel describes a method and system for controlling the downlink transmit power during a soft hand-off in a spread-spectrum wireless system. In a spread-spectrum system, (such as a CDMA telecommunications system), a specific channel is not assigned to a specific frequency or time slot but rather channels are transmitted from the base station using

essentially the same carrier frequency modulated using a different pseudo-random code sequence. Thus, all channels transmitted effectively occupy the same frequency band. In a time division multiple access communications system, specific time slots are associated for communications between the cell sites and the mobile station. Claims 1 and 16 have been amended to make this distinction clear in that the communicating by radio with the mobile station is performed on at least two communication channels having different frequencies. Kamel in no way discloses or suggests that the communication channels can have different frequencies since it is contrary to the teaching of a CDMA communication system.

Furthermore, although monitoring interference is a commonly used tool in a CDMA system so as to prevent a channel from being overloaded with too many users, it would not have been obvious to a person of ordinary skill in the art to modify such a CDMA interference measurement system so as to be used in a system using at least two communication channels having different frequencies; that is, a non-CDMA communication system, such as that set forth in amended claims 1 and 16.

For all of the foregoing reasons, it is therefore respectfully submitted that amended claim 1 is neither anticipated nor suggested by Kamel and therefore dependent claims 2-8 are also believed to be distinguished over Kamel.

With regard to independent claim 11 directed to a mobile station, it is clear as originally filed that each of the recited at least two cell site units are capable of communicating by radio with the mobile station on at least two communication channels having different frequencies. The Examiner references Figure 1 and column 11 of Kamel as anticipatory of claim 11. Neither Figure 1 nor column 3, lines 6-12 of Kamel disclose or suggest at least two communication channels having different frequencies. Therefore, for the same reasons as set forth above, it is respectfully submitted that claim 11 as originally filed is distinguished over Kamel. Consequently, dependent claims 12 and 18 are also distinguished over Kamel.

Referring now to paragraphs 4 and 5 of the Official Action, it is respectfully submitted that claim 9 which depends from claim 1 is not obvious under 35 U.S.C. §103(a) in view of Kamel,

further in view of US patent 5,369,798, Lee, since claim 1 is believed to be distinguished over the cited art and therefore this dependent claim is similarly distinguished over the cited art.

For similar reasons, it is respectfully submitted that claim 10 which depends from claim 9 is distinguished over Kamel in view of Lee, further in view of US patent 5,440,561, Werronen, in view of the fact that claim 1 is believed to be distinguished over the cited art.

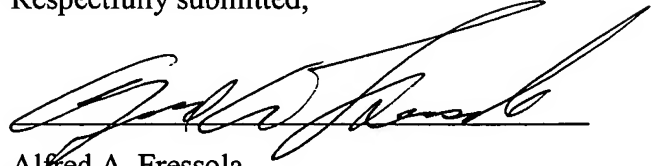
With regard to dependent claims 13-15 and 17, all of which ultimately depend from independent claim 11, for similar reasons set forth above, these claims are believed to be distinguished over Kamel, further in view of US patent 5,369,637, Richardson et al, since claim 11 is believed to be distinguished over Kamel.

Independent method claim 16 has been amended in a manner similar to claim 1 to particularly point out and claim that the communicating by radio with the mobile station on at least two communication channels uses different frequencies and, for similar reasons as set forth above with regard to claim 1, it is respectfully submitted that claim 16 is distinguished over Kamel, further in view of Werronen, further in view of Lee.

Finally, with regard to paragraph 9 of the Official Action, the prior art made of record but not relied upon does not make up for any of the deficiencies in Kamel or the other cited art in the Official Action. Although these references are directed to various cellular communication systems, these references do not disclose or suggest a method for operating a radio telecommunications system comprising a mobile station and one or more cell site units capable of communicating by radio with the mobile station on at least two communication channels having different frequencies, where the mobile station receives signals on each of the communication channels and the mobile station determines an estimate of the level of interference with signals on each of the communication channels.

It is therefore respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred A. Fressola', is written over a horizontal line.

Alfred A. Fressola  
Attorney for Applicant  
Registration No. 27,550

Dated: December 22, 2004

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
Bradford Green, Building Five  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone: (203) 261-1234  
Facsimile: (203) 261-5676  
USPTO Customer No. 004955

Attorney Docket No. 915-003.007  
Application Serial No. 10/070,410

**IN THE DRAWINGS:**

*Please enter the substitute sheet of Figure 1 enclosed herewith.*